

A bill for an act

relating to public safety; appropriating money for public safety, corrections, and other criminal justice agencies; requiring annual appropriation of money in Bureau of Criminal Apprehension account to commissioner of public safety; repealing the mandatory minimum sentences for predatory offender registration offenses and subsequent controlled substances offenses; providing a 90-day cap on incarceration for certain first-time supervised release violations; eliminating the requirement that judges impose a minimum sentence on felony DWI offenders; requesting the Sentencing Guidelines Commission to rerank the felony DWI offense; requiring that prisoners serve a minimum of 60 percent of their prison sentence; providing for supervised release of offenders; expanding the challenge incarceration program; requiring the Sentencing Guidelines Commission and the Departments of Corrections and Public Safety to review its reports; requiring Department of Corrections to annually report on felony DWI offenders; requiring that reports to the legislature by criminal justice agencies be submitted electronically; modifying and expanding the conditional release program for nonviolent drug offenders; including an advisory board for consultation with the commissioner of corrections for the conditional release program; repealing the conditional release program's sunset; authorizing correctional facilities to forward surcharges from offender wages to court or other entity collecting the surcharge; repealing reports on out-of-state juvenile placement; implementing the legislative auditor's recommendations relating to MINNCOR; requiring the licensure of firefighters; expanding the stay of adjudication provision for low-level controlled substance offenders; imposing criminal penalties; appropriating money; amending Minnesota Statutes 2008, sections 3.195, subdivision 1, by adding a subdivision; 152.021, subdivision 3; 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025, subdivision 3; 152.18, subdivision 1; 169A.275, subdivisions 3, 4, 5; 169A.276, subdivisions 1, 2; 171.29, subdivision 2; 241.27, subdivision 1a, by adding subdivisions; 243.166, subdivision 5; 244.01, subdivision 8; 244.055, subdivisions 2, 3, 5, 7, by adding subdivisions; 244.101, subdivision 1, by adding a subdivision; 244.14, subdivision 3; 244.17; 244.171, subdivision 4; 244.172, subdivision 1; 299N.02, subdivision 3; 357.021, subdivision 6; 609.105, subdivision 1a; 643.29, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 244; 299N; repealing Minnesota Statutes 2008, sections 152.026; 244.055, subdivisions 6, 11; 260B.199, subdivision 2; 260B.201, subdivision 3; 325E.22.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1  
APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2010</u>	<u>2011</u>	<u>Total</u>
<u>General</u>	<u>\$ 505,980,000</u>	<u>\$ 535,988,000</u>	<u>\$ 1,041,968,000</u>
<u>State Government Special Revenue</u>	<u>66,573,000</u>	<u>70,336,000</u>	<u>136,909,000</u>
<u>Environmental Fund</u>	<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
<u>Special Revenue Fund</u>	<u>13,818,000</u>	<u>13,818,000</u>	<u>27,636,000</u>
<u>Trunk Highway</u>	<u>373,000</u>	<u>373,000</u>	<u>746,000</u>
<u>Federal</u>	<u>30,000,000</u>	<u>0</u>	<u>30,000,000</u>
<u>Total</u>	<u>\$ 616,813,000</u>	<u>\$ 620,584,000</u>	<u>\$ 1,237,397,000</u>

Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment.

APPROPRIATIONS  
Available for the Year  
Ending June 30  
2010                      2011

Sec. 3. PUBLIC SAFETY

Subdivision 1. Total Appropriation                      \$ 155,206,000   \$ 158,969,000

Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>79,288,000</u>	<u>79,288,000</u>
<u>Special Revenue</u>	<u>8,903,000</u>	<u>8,903,000</u>
<u>State Government Special Revenue</u>	<u>66,573,000</u>	<u>70,336,000</u>
<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
<u>Trunk Highway</u>	<u>373,000</u>	<u>373,000</u>

3.1 The amounts that may be spent for each  
3.2 purpose are specified in the following  
3.3 subdivisions.

3.4 **Car Fleet.** By January 1, 2010, the  
3.5 commissioner must reduce the department's  
3.6 fleet of cars by 20 percent.

3.7 **Prohibition on Use of Appropriation.** No  
3.8 portion of this appropriation may be used  
3.9 for: (1) computer, telephone, motor vehicle,  
3.10 or technology purchases or upgrades, or for  
3.11 new leases on those items; or (2) out-of-state  
3.12 travel that is not directly connected with and  
3.13 necessary to carry out the core functions  
3.14 of the department. Notwithstanding this  
3.15 paragraph, an existing lease on an item  
3.16 described in clause (1) may be renewed.

3.17 **Changes in Personnel Policies.** The  
3.18 commissioner shall consider discontinuing  
3.19 the practice of entering into agreements with  
3.20 the Office of the Governor to pay personnel  
3.21 costs of policy advisors to the governor.

3.22	Subd. 2. <b>Emergency Management</b>	2,413,000	2,413,000
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3.23	<u>Appropriations by Fund</u>		
3.24	<u>General</u>	<u>2,344,000</u>	<u>2,344,000</u>
3.25	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>

3.26	Subd. 3. <b>Criminal Apprehension</b>	41,041,000	41,041,000
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3.27	<u>Appropriations by Fund</u>		
3.28	<u>General</u>	<u>40,661,000</u>	<u>40,661,000</u>
3.29	<u>State Government</u>		
3.30	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
3.31	Trunk Highway	373,000	373,000

3.32	Subd. 4. <b>Fire Marshal</b>	8,500,000	8,500,000
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3.33 This appropriation is from the fire safety  
3.34 account in the special revenue fund.

4.1	<u>Of this amount, \$5,732,000 each year is for</u>		
4.2	<u>activities under Minnesota Statutes, section</u>		
4.3	<u>299F.012, and \$2,768,000 each year is for</u>		
4.4	<u>transfer to the general fund under Minnesota</u>		
4.5	<u>Statutes, section 297I.06, subdivision 3.</u>		
4.6	<u>Subd. 5. <b>Alcohol and Gambling Enforcement</b></u>	<u>2,470,000</u>	<u>2,470,000</u>
4.7	<u>Appropriations by Fund</u>		
4.8	<u>General</u>	<u>1,567,000</u>	<u>1,567,000</u>
4.9	<u>Special Revenue</u>	<u>903,000</u>	<u>903,000</u>
4.10	<u>This appropriation is from the alcohol</u>		
4.11	<u>enforcement account in the special revenue</u>		
4.12	<u>fund. Of this appropriation, \$750,000 each</u>		
4.13	<u>year shall be transferred to the general fund.</u>		
4.14	<u>The transfer amount for fiscal year 2012 and</u>		
4.15	<u>fiscal year 2013 shall be \$500,000 per year.</u>		
4.16	<u>Subd. 6. <b>Office of Justice Programs</b></u>	<u>34,812,000</u>	<u>34,812,000</u>
4.17	<u>Appropriations by Fund</u>		
4.18	<u>General</u>	<u>34,716,000</u>	<u>34,716,000</u>
4.19	<u>State Government</u>		
4.20	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
4.21	<u><b>Administration Costs.</b> Up to 2.5 percent</u>		
4.22	<u>of the grant money appropriated in this</u>		
4.23	<u>subdivision may be used to administer the</u>		
4.24	<u>grant program.</u>		
4.25	<u><b>Prorated Base Cut.</b> The commissioner shall</u>		
4.26	<u>prorate the base cut to the Office of Justice</u>		
4.27	<u>programs among the various programs and</u>		
4.28	<u>grants funded by the office based on their</u>		
4.29	<u>current portion of the office's base budget.</u>		
4.30	<u><b>Federal Stimulus Money.</b> The Office</u>		
4.31	<u>of Justice programs shall give priority to</u>		
4.32	<u>awarding grants for federal stimulus money</u>		
4.33	<u>to the following activities and programs:</u>		
4.34	<u>(1) organizations that provide mentoring</u>		
4.35	<u>grants for children of incarcerated parents;</u>		

5.1 (2) youth intervention programs, as defined  
5.2 under Minnesota Statutes, section 299A.73,  
5.3 with an emphasis on those programs that  
5.4 provide early intervention youth services to  
5.5 children in their communities; and

5.6 (3) re-entry programs for offenders,  
5.7 including the nonprofit organization selected  
5.8 to administer the demonstration project for  
5.9 high risk adults under Laws 2007, chapter  
5.10 54, article 1, section 19.

5.11 For purposes of this subdivision, "federal  
5.12 stimulus money" means money provided to  
5.13 the state under the American Recovery and  
5.14 Reinvestment Act of 2009.

5.15 Subd. 7. **911 Emergency Communication**  
5.16 **Network**

66,470,000

70,233,000

5.17 This appropriation is from the state  
5.18 government special revenue fund for 911  
5.19 emergency telecommunications services.

5.20 **Public Safety Answering Points.**

5.21 \$13,664,000 each year is to be distributed  
5.22 as provided in Minnesota Statutes, section  
5.23 403.113, subdivision 2.

5.24 **Medical Resource Communication**

5.25 **Centers.** \$683,000 each year is for grants  
5.26 to the Minnesota Emergency Medical  
5.27 Services Regulatory Board for the Metro  
5.28 East and Metro West Medical Resource  
5.29 Communication Centers that were in  
5.30 operation before January 1, 2000.

5.31 **ARMER Debt Service.** \$17,557,000 the  
5.32 first year and \$23,261,000 the second year  
5.33 are to the commissioner of finance to pay  
5.34 debt service on revenue bonds issued under  
5.35 Minnesota Statutes, section 403.275.

6.1 Any portion of this appropriation not needed  
6.2 to pay debt service in a fiscal year may be  
6.3 used by the commissioner of public safety to  
6.4 pay cash for any of the capital improvements  
6.5 for which bond proceeds were appropriated  
6.6 by Laws 2005, chapter 136, article 1, section  
6.7 9, subdivision 8; or Laws 2007, chapter 54,  
6.8 article 1, section 10, subdivision 8.

6.9 **Metropolitan Council Debt Service.**

6.10 \$1,410,000 each year is to the commissioner  
6.11 of finance for payment to the Metropolitan  
6.12 Council for debt service on bonds issued  
6.13 under Minnesota Statutes, section 403.27.

6.14 **ARMER State Backbone Operating Costs.**

6.15 \$5,060,000 each year is to the commissioner  
6.16 of transportation for costs of maintaining  
6.17 and operating the statewide radio system  
6.18 backbone.

6.19 **ARMER Improvements.** \$1,000,000 each  
6.20 year is for the Statewide Radio Board for  
6.21 costs of design, construction, maintenance  
6.22 of, and improvements to those elements  
6.23 of the statewide public safety radio and  
6.24 communication system that support mutual  
6.25 aid communications and emergency medical  
6.26 services or provide enhancement of public  
6.27 safety communication interoperability.

6.28 **Grants to Local Government.** \$5,000,000  
6.29 the first year is for grants to local units of  
6.30 government to assist with the transition to  
6.31 the ARMER system. This appropriation is  
6.32 available until June 30, 2012.

6.33 **Next Generation 911.** \$3,431,000 the first  
6.34 year and \$6,490,000 the second year are  
6.35 to replace the current system with the Next







9.1 each other to achieve efficiencies and cost  
9.2 savings. Staff considered for consolidation  
9.3 must include wardens, deputy wardens, and  
9.4 human resources, technology, and employee  
9.5 development personnel.

9.6 (b) The commissioner shall consider  
9.7 consolidating the department's human  
9.8 resources, technology, and employee  
9.9 development functions in a centralized  
9.10 location.

9.11 (c) The commissioner shall consider  
9.12 discontinuing the department's practice of  
9.13 annually assigning a warden to serve as  
9.14 a legislative liaison during the legislative  
9.15 session.

9.16 (d) The commissioner shall consider  
9.17 discontinuing the practice of entering into  
9.18 agreements with the Office of the Governor  
9.19 to pay personnel costs of policy advisors to  
9.20 the governor.

9.21 **Prohibition on Use of Appropriation.** No  
9.22 portion of this appropriation may be used  
9.23 for: (1) computer, telephone, motor vehicle,  
9.24 or technology purchases or upgrades, or for  
9.25 new leases on those items; or (2) out-of-state  
9.26 travel that is not directly connected with and  
9.27 necessary to carry out the core functions  
9.28 of the department. Notwithstanding this  
9.29 paragraph, an existing lease on an item  
9.30 described in clause (1) may be renewed.

9.31 **Reductions to Certain Programming**  
9.32 **Prohibited.** When allocating reductions  
9.33 in services and programming under this  
9.34 appropriation, the commissioner may not  
9.35 make reductions to inmate educational

10.1	<u>programs, chemical dependency programs,</u>		
10.2	<u>or reentry programs.</u>		
10.3	<b><u>Subd. 2. Correctional Institutions</u></b>	<u>323,747,000</u>	<u>323,755,000</u>
10.4	<u>Appropriations by Fund</u>		
10.5	<u>General</u>	<u>293,167,000</u>	<u>323,175,000</u>
10.6	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>
10.7	<u>Federal</u>	<u>30,000,000</u>	<u>0</u>
10.8	<b><u>Federal Stimulus Money. \$30,000,000</u></b>		
10.9	<u>the first year is from the fiscal stabilization</u>		
10.10	<u>account in the federal fund. This is a onetime</u>		
10.11	<u>appropriation. The general fund base for this</u>		
10.12	<u>program is \$311,463,000 in fiscal year 2012</u>		
10.13	<u>and \$315,962,000 in fiscal year 2013.</u>		
10.14	<b><u>Transfer. Notwithstanding Minnesota</u></b>		
10.15	<u>Statutes, section 241.27, the commissioner of</u>		
10.16	<u>finance shall transfer \$1,000,000 each year in</u>		
10.17	<u>fiscal year 2010 and fiscal year 2011 from the</u>		
10.18	<u>Minnesota Correctional Industries revolving</u>		
10.19	<u>fund to the general fund.</u>		
10.20	<b><u>Subd. 3. Community Services</u></b>	<u>107,984,000</u>	<u>107,984,000</u>
10.21	<u>Appropriations by Fund</u>		
10.22	<u>General</u>	<u>107,884,000</u>	<u>107,884,000</u>
10.23	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>
10.24	<b><u>Short-Term Offenders. \$1,607,000 each</u></b>		
10.25	<u>year is for the costs associated with the</u>		
10.26	<u>housing and care of short-term offenders.</u>		
10.27	<u>The commissioner may use up to 20 percent</u>		
10.28	<u>of the total amount of the appropriation</u>		
10.29	<u>for inpatient medical care for short-term</u>		
10.30	<u>offenders. The amount remaining at the end</u>		
10.31	<u>of the fiscal year not expended for inpatient</u>		
10.32	<u>medical care must be added to and distributed</u>		
10.33	<u>with the housing money. The housing money</u>		
10.34	<u>must be distributed proportionately based on</u>		

11.1 the total number of days short-term offenders  
11.2 are placed locally, not to exceed \$55 per day.  
11.3 The commissioner of corrections is exempt  
11.4 from the state contracting process for the  
11.5 purposes of paying short-term offender  
11.6 costs relating to Minnesota Statutes, section  
11.7 609.105.

11.8 **Prorated Base Cut.** The commissioner  
11.9 shall prorate the general fund base reduction  
11.10 of \$14,320,000 to community services  
11.11 among the Community Corrections Act  
11.12 subsidy, county probation reimbursements,  
11.13 and Department of Corrections supervision  
11.14 services based on their current portion of the  
11.15 division's base budget.

11.16 **Subd. 4. Operations Support** 21,819,000 21,819,000

11.17	<u>Appropriations by Fund</u>		
11.18	<u>General</u>	<u>21,609,000</u>	<u>21,609,000</u>
11.19	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>

11.20 **Sec. 8. SENTENCING GUIDELINES** \$ 575,000 \$ 575,000

11.21 **Prohibition on Use of Appropriation.** No  
11.22 portion of this appropriation may be used  
11.23 for: (1) computer, telephone, motor vehicle,  
11.24 or technology purchases or upgrades, or for  
11.25 new leases on those items; or (2) out-of-state  
11.26 travel that is not directly connected with and  
11.27 necessary to carry out the core functions  
11.28 of the commission. Notwithstanding this  
11.29 paragraph, an existing lease on an item  
11.30 described in clause (1) may be renewed.

11.31 **Sec. 9.** Minnesota Statutes 2008, section 171.29, subdivision 2, is amended to read:

11.32 **Subd. 2. Reinstatement fees and surcharges allocated and appropriated.** (a)  
11.33 An individual whose driver's license has been revoked as provided in subdivision 1,

12.1 except under section 169A.52, 169A.54, or 609.21, must pay a \$30 fee before the driver's  
12.2 license is reinstated.

12.3 (b) A person whose driver's license has been revoked as provided in subdivision 1  
12.4 under section 169A.52, 169A.54, or 609.21, must pay a \$250 fee plus a \$430 surcharge  
12.5 before the driver's license is reinstated, except as provided in paragraph (f). The \$250  
12.6 fee is to be credited as follows:

12.7 (1) Twenty percent must be credited to the driver services operating account in the  
12.8 special revenue fund as specified in section 299A.705.

12.9 (2) Sixty-seven percent must be credited to the general fund.

12.10 (3) Eight percent must be credited to a separate account to be known as the Bureau of  
12.11 Criminal Apprehension account. Money in this account ~~may be~~ is annually appropriated  
12.12 to the commissioner of public safety and the appropriated amount must be apportioned  
12.13 80 percent for laboratory costs and 20 percent for carrying out the provisions of section  
12.14 299C.065.

12.15 (4) Five percent must be credited to a separate account to be known as the vehicle  
12.16 forfeiture account, which is created in the special revenue fund. The money in the account  
12.17 is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

12.18 (c) The revenue from \$50 of the surcharge must be credited to a separate account  
12.19 to be known as the traumatic brain injury and spinal cord injury account. The revenue  
12.20 from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the  
12.21 first installment payment to the traumatic brain injury and spinal cord injury account.  
12.22 The money in the account is annually appropriated to the commissioner of health to be  
12.23 used as follows: 83 percent for contracts with a qualified community-based organization  
12.24 to provide information, resources, and support to assist persons with traumatic brain  
12.25 injury and their families to access services, and 17 percent to maintain the traumatic  
12.26 brain injury and spinal cord injury registry created in section 144.662. For the purposes  
12.27 of this paragraph, a "qualified community-based organization" is a private, not-for-profit  
12.28 organization of consumers of traumatic brain injury services and their family members.  
12.29 The organization must be registered with the United States Internal Revenue Service under  
12.30 section 501(c)(3) as a tax-exempt organization and must have as its purposes:

12.31 (1) the promotion of public, family, survivor, and professional awareness of the  
12.32 incidence and consequences of traumatic brain injury;

12.33 (2) the provision of a network of support for persons with traumatic brain injury,  
12.34 their families, and friends;

12.35 (3) the development and support of programs and services to prevent traumatic  
12.36 brain injury;

13.1 (4) the establishment of education programs for persons with traumatic brain injury;  
13.2 and

13.3 (5) the empowerment of persons with traumatic brain injury through participation  
13.4 in its governance.

13.5 A patient's name, identifying information, or identifiable medical data must not be  
13.6 disclosed to the organization without the informed voluntary written consent of the patient  
13.7 or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

13.8 (d) The remainder of the surcharge must be credited to a separate account to be  
13.9 known as the remote electronic alcohol-monitoring program account. The commissioner  
13.10 shall transfer the balance of this account to the commissioner of finance on a monthly  
13.11 basis for deposit in the general fund.

13.12 (e) When these fees are collected by a licensing agent, appointed under section  
13.13 171.061, a handling charge is imposed in the amount specified under section 171.061,  
13.14 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved  
13.15 depository as directed under section 171.061, subdivision 4.

13.16 (f) A person whose driver's license has been revoked as provided in subdivision  
13.17 1 under section 169A.52 or 169A.54 and who the court certifies as being financially  
13.18 eligible for a public defender under section 611.17, may choose to pay 50 percent and  
13.19 an additional \$25 of the total amount of the surcharge and 50 percent of the fee required  
13.20 under paragraph (b) to reinstate the person's driver's license, provided the person meets all  
13.21 other requirements of reinstatement. If a person chooses to pay 50 percent of the total and  
13.22 an additional \$25, the driver's license must expire after two years. The person must pay an  
13.23 additional 50 percent less \$25 of the total to extend the license for an additional two years,  
13.24 provided the person is otherwise still eligible for the license. After this final payment of  
13.25 the surcharge and fee, the license may be renewed on a standard schedule, as provided  
13.26 under section 171.27. A handling charge may be imposed for each installment payment.  
13.27 Revenue from the handling charge is credited to the driver services operating account in  
13.28 the special revenue fund and is appropriated to the commissioner.

13.29 (g) Any person making installment payments under paragraph (f), whose driver's  
13.30 license subsequently expires, or is canceled, revoked, or suspended before payment of  
13.31 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial  
13.32 reinstatement before the driver's license is subsequently reinstated. Upon payment of  
13.33 the outstanding balance due for the initial reinstatement, the person may pay any new  
13.34 surcharge and fee imposed under paragraph (b) in installment payments as provided  
13.35 under paragraph (f).

ARTICLE 2

REPEAL OF CERTAIN MANDATORY SENTENCING PROVISIONS;  
SUPERVISED RELEASE CHANGES

Section 1. Minnesota Statutes 2008, section 152.021, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000.~~

~~(c)~~ In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2008, section 152.022, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 25 years or to payment of a fine of not more than \$500,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections for not less than three years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$500,000.~~

~~(c)~~ In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2008, section 152.023, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$250,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections for not less than two years nor more than 30 years and, in addition, may be sentenced to payment of a fine of not more than \$250,000.~~

(c) In a prosecution under subdivision 1 or 2 involving sales or acts of possession by the same person in two or more counties within a 90-day period, the person may be prosecuted in any county in which one of the sales or acts of possession occurred.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2008, section 152.024, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$100,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections or to a local correctional authority for not less than one year nor more than 30 years and, in addition, may be sentenced to payment of a fine of not more than \$100,000.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2008, section 152.025, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

~~(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2008, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If any person who has not previously participated in or completed a diversion program authorized under section 401.065 or who has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section is found guilty of a violation of section 152.024, subdivision 2, 152.025,

subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a, the court ~~may shall~~, without entering a judgment of guilty and with the consent of the person, either (1) defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. ~~The court~~ or (2) enter a written finding that states substantial and compelling reasons why a deferral is inappropriate. For any other person who is found guilty of a violation of section 152.024, subdivision 2; 152.025, subdivision 2; or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a, the court may, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period not to exceed the maximum sentence provided for the violation. If the court grants a deferral, it may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the bureau shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the bureau which shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.



17.1 For purposes of this subdivision, "not public" has the meaning given in section  
17.2 13.02, subdivision 8a.

17.3 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
17.4 committed on or after that date.

17.5 Sec. 7. Minnesota Statutes 2008, section 169A.275, subdivision 3, is amended to read:

17.6 Subd. 3. **Fourth offense.** (a) Unless the court commits the person to the custody of  
17.7 the commissioner of corrections ~~as provided in section 169A.276 (mandatory penalties;~~  
17.8 ~~felony violations)~~, the court shall sentence a person who is convicted of a violation of  
17.9 section 169A.20 (driving while impaired) within ten years of the first of three qualified  
17.10 prior impaired driving incidents to either:

17.11 (1) a minimum of 180 days of incarceration, at least 30 days of which must be served  
17.12 consecutively in a local correctional facility;

17.13 (2) a program of intensive supervision of the type described in section 169A.74  
17.14 (pilot programs of intensive probation for repeat DWI offenders) that requires the person  
17.15 to consecutively serve at least six days in a local correctional facility; or

17.16 (3) a program of staggered sentencing involving a minimum of 180 days of  
17.17 incarceration, at least 30 days of which must be served consecutively in a local  
17.18 correctional facility.

17.19 (b) The court may order that the person serve not more than 150 days of the  
17.20 minimum penalty under paragraph (a), clause (1), on home detention or in an intensive  
17.21 probation program described in section 169A.74. Notwithstanding section 609.135, the  
17.22 penalties in this subdivision must be imposed and executed.

17.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.24 Sec. 8. Minnesota Statutes 2008, section 169A.275, subdivision 4, is amended to read:

17.25 Subd. 4. **Fifth offense or more.** (a) Unless the court commits the person to the  
17.26 custody of the commissioner of corrections ~~as provided in section 169A.276 (mandatory~~  
17.27 ~~penalties; felony violations)~~, the court shall sentence a person who is convicted of a  
17.28 violation of section 169A.20 (driving while impaired) within ten years of the first of four  
17.29 or more qualified prior impaired driving incidents to either:

17.30 (1) a minimum of one year of incarceration, at least 60 days of which must be served  
17.31 consecutively in a local correctional facility;

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility; or

(3) a program of staggered sentencing involving a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility.

(b) The court may order that the person serve the remainder of the minimum penalty under paragraph (a), clause (1), on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention. Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 9. Minnesota Statutes 2008, section 169A.275, subdivision 5, is amended to read:

Subd. 5. **Level of care recommended in chemical use assessment.** Unless the court commits the person to the custody of the commissioner of corrections ~~as provided in section 169A.276 (mandatory penalties, felony violations)~~, in addition to other penalties required under this section, the court shall order a person to submit to the level of care recommended in the chemical use assessment conducted under section 169A.70 (alcohol safety program; chemical use assessments) if the person is convicted of violating section 169A.20 (driving while impaired) while having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense or if the violation occurs within ten years of one or more qualified prior impaired driving incidents.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 10. Minnesota Statutes 2008, section 169A.276, subdivision 1, is amended to read:

Subdivision 1. **Mandatory ~~prison sentence~~ conditional release period.** ~~(a) The court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) under the circumstances described in section 169A.24 (first-degree driving while impaired) to imprisonment for not less than three years. In addition, the court may order the person to pay a fine of not more than \$14,000.~~

~~(b) The court may stay execution of this mandatory sentence as provided in subdivision 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence or impose a sentence that has a duration of less than three years.~~

~~(c) An offender committed to the custody of the commissioner of corrections under this subdivision is not eligible for release as provided in section 241.26, 244.065,~~

19.1 ~~244.12, or 244.17, unless the offender has successfully completed a chemical dependency~~  
19.2 ~~treatment program while in prison.~~

19.3 ~~(d)~~ (a) Notwithstanding the statutory maximum sentence provided in section  
19.4 169A.24 (first-degree driving while impaired), when the court commits a person to the  
19.5 custody of the commissioner of corrections ~~under this subdivision~~, it shall provide that  
19.6 after the person has been released from prison the commissioner shall place the person  
19.7 on conditional release for five years. The commissioner shall impose any conditions of  
19.8 release that the commissioner deems appropriate including, but not limited to, successful  
19.9 completion of an intensive probation program as described in section 169A.74 (pilot  
19.10 programs of intensive probation for repeat DWI offenders). If the person fails to comply  
19.11 with any condition of release, the commissioner may revoke the person's conditional  
19.12 release and order the person to serve all or part of the remaining portion of the conditional  
19.13 release term in prison. The commissioner may not dismiss the person from supervision  
19.14 before the conditional release term expires. Except as otherwise provided in this section,  
19.15 conditional release is governed by provisions relating to supervised release. The failure  
19.16 of a court to direct the commissioner of corrections to place the person on conditional  
19.17 release, as required in this paragraph, does not affect the applicability of the conditional  
19.18 release provisions to the person.

19.19 ~~(e)~~ (b) The commissioner shall require persons placed on supervised or conditional  
19.20 release under this subdivision to pay as much of the costs of the supervision as possible.  
19.21 The commissioner shall develop appropriate standards for this.

19.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.23 Sec. 11. Minnesota Statutes 2008, section 169A.276, subdivision 2, is amended to read:

19.24 Subd. 2. **Stay of mandatory sentence.** The provisions of sections 169A.275  
19.25 (mandatory penalties; nonfelony violations), subdivision 3 or 4, and subdivision 5, and  
19.26 169A.283 (stay of execution of sentence), apply if the court stays execution of ~~the~~ a felony  
19.27 DWI offender's sentence under subdivision 1 (mandatory prison sentence). In addition,  
19.28 the provisions of section 169A.277 (long-term monitoring) may apply.

19.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

19.30 Sec. 12. Minnesota Statutes 2008, section 243.166, subdivision 5, is amended to read:

19.31 Subd. 5. **Criminal penalty.** ~~(a)~~ A person required to register under this section who  
19.32 knowingly violates any of its provisions or intentionally provides false information to a  
19.33 corrections agent, law enforcement authority, or the bureau is guilty of a felony and may

be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

~~(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.~~

~~(c) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state or the United States, shall be committed to the custody of the commissioner of corrections for not less than two years, nor more than five years.~~

~~(d) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.~~

~~(e) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.~~

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 13. Minnesota Statutes 2008, section 244.01, subdivision 8, is amended to read:

Subd. 8. **Term of imprisonment.** "Term of imprisonment," as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time. "Term of imprisonment," as applied to inmates whose crimes were committed on or after August 1, 1993, but before July 1, 2009, is the period of time equal to two-thirds of the inmate's executed sentence. "Term of imprisonment," as applied to inmates whose crimes were committed on or after July 1, 2009, is the period of time equal to 60 percent of the inmate's executed sentence.

**EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes committed on or after that date.

21.1 Sec. 14. Minnesota Statutes 2008, section 244.101, subdivision 1, is amended to read:

21.2 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a  
21.3 fixed executed sentence for an offense committed on or after August 1, 1993, but before  
21.4 July 1, 2009, the executed sentence consists of two parts: (1) a specified minimum term  
21.5 of imprisonment that is equal to two-thirds of the executed sentence; and (2) a specified  
21.6 maximum supervised release term that is equal to one-third of the executed sentence. The  
21.7 amount of time the inmate actually serves in prison and on supervised release is subject to  
21.8 the provisions of section 244.05, subdivision 1b.

21.9 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
21.10 committed on or after that date.

21.11 Sec. 15. Minnesota Statutes 2008, section 244.101, is amended by adding a subdivision  
21.12 to read:

21.13 Subd. 1a. **Executed sentences, crimes committed on or after July 1, 2009.** When  
21.14 a felony offender is sentenced to a fixed executed sentence for an offense committed on or  
21.15 after July 1, 2009, the executed sentence consists of two parts: (1) a specified minimum  
21.16 term of imprisonment that is equal to 60 percent of the executed sentence; and (2) a  
21.17 specified maximum supervised release term that is equal to 40 percent of the executed  
21.18 sentence. The amount of time the inmate actually serves in prison and on supervised  
21.19 release is subject to the provisions of section 244.05, subdivision 1b.

21.20 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
21.21 committed on or after that date.

21.22 Sec. 16. Minnesota Statutes 2008, section 244.14, subdivision 3, is amended to read:

21.23 Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful  
21.24 sanctions for violating the conditions of an intensive community supervision program.  
21.25 The commissioner shall provide for revocation of intensive community supervision of an  
21.26 offender who:

21.27 (1) commits a material violation of or repeatedly fails to follow the rules of the  
21.28 program;

21.29 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

21.30 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse  
21.31 of alcohol or controlled substances. The revocation of intensive community supervision is  
21.32 governed by the procedures in the commissioner's rules adopted under section 244.05,  
21.33 subdivision 2.

22.1 An offender whose intensive community supervision is revoked shall be imprisoned  
22.2 for a time period equal to the offender's term of imprisonment, but in no case for longer  
22.3 than the time remaining in the offender's sentence. "Term of imprisonment" means a  
22.4 time period equal to ~~two-thirds~~ 60 percent of the sentence originally executed by the  
22.5 sentencing court, minus jail credit, if any.

22.6 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
22.7 committed on or after that date.

22.8 Sec. 17. Minnesota Statutes 2008, section 244.171, subdivision 4, is amended to read:

22.9 Subd. 4. **Sanctions.** The commissioner shall impose severe and meaningful  
22.10 sanctions for violating the conditions of the challenge incarceration program. The  
22.11 commissioner shall remove an offender from the challenge incarceration program if the  
22.12 offender:

22.13 (1) commits a material violation of or repeatedly fails to follow the rules of the  
22.14 program;

22.15 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

22.16 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse  
22.17 of alcohol or controlled substances. The removal of an offender from the challenge  
22.18 incarceration program is governed by the procedures in the commissioner's rules adopted  
22.19 under section 244.05, subdivision 2.

22.20 An offender who is removed from the challenge incarceration program shall be  
22.21 imprisoned for a time period equal to the offender's term of imprisonment, minus earned  
22.22 good time if any, but in no case for longer than the time remaining in the offender's  
22.23 sentence. "Term of imprisonment" means a time period equal to ~~two-thirds~~ 60 percent of  
22.24 the sentence originally executed by the sentencing court, minus jail credit, if any.

22.25 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
22.26 committed on or after that date.

22.27 Sec. 18. **[244.30] CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED**  
22.28 **RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.**

22.29 (a) If the commissioner revokes the supervised release of a person whose release  
22.30 on the current offense has not previously been revoked, the commissioner may order the  
22.31 person to be incarcerated for no more than 90 days or until the expiration of the person's  
22.32 sentence, whichever is less.

23.1            (b) This section does not apply to offenders on supervised release for a violation of  
23.2 section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

23.3            **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.4            Sec. 19. Minnesota Statutes 2008, section 609.105, subdivision 1a, is amended to read:

23.5            Subd. 1a. **Definitions.** (a) The terms in this subdivision apply to this section.

23.6            (b) "Remaining term of imprisonment" as applied to inmates whose crimes were  
23.7 committed before August 1, 1993, is the period of time for which an inmate is committed  
23.8 to the custody of the commissioner of corrections minus earned good time and jail credit,  
23.9 if any.

23.10           (c) "Remaining term of imprisonment" as applied to inmates whose crimes were  
23.11 committed on or after August 1, 1993, but before July 1, 2009, is the period of time equal  
23.12 to two-thirds of the inmate's executed sentence, minus jail credit, if any.

23.13           (d) "Remaining term of imprisonment" as applied to inmates whose crimes were  
23.14 committed on or after July 1, 2009, is the period of time equal to 60 percent of the inmate's  
23.15 executed sentence, minus jail credit, if any.

23.16           **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
23.17 committed on or after that date.

23.18           Sec. 20. Minnesota Statutes 2008, section 643.29, subdivision 1, is amended to read:

23.19           Subdivision 1. **"Good conduct" allowance.** Any person sentenced for a term  
23.20 to any county jail, workhouse, or correctional work farm, whether the term is part of  
23.21 an executed sentence or is imposed as a condition of probation, shall, when sentenced  
23.22 to serve ten days or more, diminish the term of the sentence ~~one day~~ two days for each  
23.23 ~~two~~ three days served, commencing on the day of arrival, during which the person has  
23.24 not violated any rule or discipline of the place wherein the person is incarcerated and, if  
23.25 required to labor, has labored with diligence and fidelity.

23.26           **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes  
23.27 committed on or after that date.

23.28           Sec. 21. **RERANKING OF FELONY DWI.**

23.29           The Minnesota Sentencing Guidelines Commission shall consider reranking  
23.30 violations of Minnesota Statutes, section 169A.24 (felony DWI) at severity level V or VI.

23.31           **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.1 Sec. 22. **REPEALER.**

24.2 Minnesota Statutes 2008, section 152.026, is repealed.

24.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.

24.4 **ARTICLE 3**

24.5 **CHANGES TO CHALLENGE INCARCERATION AND CONDITIONAL**  
24.6 **RELEASE FOR NONVIOLENT OFFENDER PROGRAMS; MINNCOR;**  
24.7 **FIREFIGHTER LICENSING; REPORTING CHANGES**

24.8 Section 1. Minnesota Statutes 2008, section 3.195, subdivision 1, is amended to read:

24.9 Subdivision 1. **Distribution of reports.** (a) Except as provided in subdivision  
24.10 4, a report to the legislature required of a department or agency shall be made, unless  
24.11 otherwise specifically required by law, by filing one copy with the secretary of the senate,  
24.12 one copy with the chief clerk of the house of representatives, and six copies with the  
24.13 Legislative Reference Library. The same distribution procedure shall be followed for  
24.14 other reports and publications unless otherwise requested by a legislator or the Legislative  
24.15 Reference Library.

24.16 (b) A public entity as defined in section 16B.122, shall not distribute a report  
24.17 or publication to a member or employee of the legislature, except the secretary of the  
24.18 senate, the chief clerk of the house of representatives, and the Legislative Reference  
24.19 Library, unless the entity has determined that the member or employee wants the reports  
24.20 or publications published by that entity or the member or employee has requested the  
24.21 report or publication. This prohibition applies to both mandatory and voluntary reports  
24.22 and publications. A report or publication may be summarized in an executive summary  
24.23 and distributed as the entity chooses. Distribution of a report to legislative committee  
24.24 or commission members during a committee or commission hearing is not prohibited  
24.25 by this section.

24.26 (c) A report or publication produced by a public entity may not be sent to both the  
24.27 home address and the office address of a representative or senator unless mailing to both  
24.28 addresses is requested by the representative or senator.

24.29 (d) Reports, publications, periodicals, and summaries under this subdivision must  
24.30 be printed in a manner consistent with section 16B.122.

24.31 Sec. 2. Minnesota Statutes 2008, section 3.195, is amended by adding a subdivision to  
24.32 read:

24.33 Subd. 4. **Reports of criminal justice agencies; electronic versions only.** (a) As  
24.34 used in this subdivision, "criminal justice agency" means the Departments of Corrections,



25.1 Public Safety, and Human Rights; the Boards of Public Defense, Peace Officer Standards  
25.2 and Training, Private Detective and Protective Agent Services, and Judicial Standards; the  
25.3 Sentencing Guidelines and Uniform Laws Commissions; and the courts.

25.4 (b) A criminal justice agency that submits a report to the legislature under this  
25.5 section shall do so by submitting an electronic version rather than a printed one.  
25.6 Notwithstanding subdivision 1, paragraph (a), and section 15.18, the agency need submit  
25.7 only one electronic copy to the Legislative Reference Library, the State Library, and the  
25.8 Minnesota Historical Society. In addition, the agency shall submit one printed copy to  
25.9 the Legislative Reference Library.

25.10 Sec. 3. Minnesota Statutes 2008, section 241.27, subdivision 1a, is amended to read:

25.11 Subd. 1a. **Marketing plan.** The commissioner of corrections, in consultation with  
25.12 the commissioner of employment and economic development, shall develop, implement,  
25.13 and maintain a formal marketing plan to attract private sector businesses and industries  
25.14 and state and local government agencies to employ inmate services through MINNCOR  
25.15 industries. The plan shall be reviewed and updated annually by the commissioner of  
25.16 corrections.

25.17 Sec. 4. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision  
25.18 to read:

25.19 Subd. 6. **Reports and financial statements.** MINNCOR shall include its full costs  
25.20 for inmate wages and the money it receives from the department for inmate confinement  
25.21 costs in its annual financial statements and reports. In addition, MINNCOR shall disclose  
25.22 in its annual report how the money it receives from the department for inmate confinement  
25.23 costs affects its profitability.

25.24 Sec. 5. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision  
25.25 to read:

25.26 Subd. 7. **Interactions with private businesses.** (a) MINNCOR shall use revenue  
25.27 contracts, not purchase orders, whenever it allows private businesses to use inmate labor.

25.28 (b) MINNCOR shall develop a uniform method to report sales and expenditure data  
25.29 related to individual labor arrangements with private businesses. MINNCOR shall review  
25.30 the data annually to assess how the arrangements, both individually and collectively, affect  
25.31 MINNCOR's achieving its goals of high inmate participation in industry and profitability.

Sec. 6. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision to read:

Subd. 8. **Contracts; work on projects before and after.** MINNCOR may not begin work on a project until a contract has been signed and may not continue work on a project after a contract has expired.

Sec. 7. Minnesota Statutes 2008, section 244.055, subdivision 2, is amended to read:

**Subd. 2. ~~Conditional release of certain nonviolent controlled substance offenders.~~** An offender who has been committed to the commissioner's custody may petition the commissioner for conditional release from prison before the offender's scheduled supervised release date or target release date if:

(1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a; ~~152.022, subdivision 2;~~ 152.023; 152.024; or 152.025, or serving a sentence for a nonviolent nondrug offense;

(2) the offender committed the crime as a result of a controlled substance addiction; ~~and not primarily for profit;~~

(3) the offender has served at least 36 months or one-half of the offender's term of imprisonment, whichever is less;

(4) the offender successfully completed a chemical dependency treatment program of the type described in this section while in prison;

(5) the offender has not previously been conditionally released under this section; and

(6) the offender has not within the past ten years been convicted or adjudicated delinquent for a violent crime as defined in section 609.1095 other than the current conviction for the controlled substance offense or nonviolent nondrug offense.

Sec. 8. Minnesota Statutes 2008, section 244.055, subdivision 3, is amended to read:

**Subd. 3. ~~Offer of chemical dependency treatment.~~** The commissioner shall offer all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and (6), the opportunity to begin a suitable chemical dependency treatment program of the type described in this section within 160 days after the offender's term of imprisonment begins or as soon after 160 days as possible. In making the determination under subdivision 2, clause (2), that the offender has a controlled substance addiction, the commissioner shall consider the chemical dependency assessment completed at intake. In making a determination that an offender is suitable for early release under this section, the commissioner shall consider validated risk assessment tools such as the Level of Service Inventory-Revised (LSI-R).

Sec. 9. Minnesota Statutes 2008, section 244.055, subdivision 5, is amended to read:

Subd. 5. **Additional requirements.** To be eligible for release under this section, an offender shall sign a written contract with the commissioner agreeing to comply with the requirements of this section and the conditions imposed by the commissioner. ~~In addition to other items, the contract must specifically refer to the term of imprisonment extension in subdivision 6.~~ In addition, the offender shall agree to submit to random drug and alcohol tests and electronic or home monitoring as determined by the commissioner or the offender's supervising agent. The commissioner may impose additional requirements on the offender that are necessary to carry out the goals of this section.

Sec. 10. Minnesota Statutes 2008, section 244.055, subdivision 7, is amended to read:

Subd. 7. **Release procedures.** After consulting with the panel of judges created under subdivision 7a, the commissioner may deny conditional release to an offender under this section if the commissioner determines that the offender's release may reasonably pose a danger to the public or an individual. In making this determination, the commissioner shall follow the procedures contained in section 244.05, subdivision 5, and the rules adopted by the commissioner under that subdivision. The commissioner shall consider whether the offender was involved in criminal gang activity during the offender's prison term. The commissioner shall also consider the offender's custody classification and level of risk of violence and the availability of appropriate community supervision for the offender. Conditional release granted under this section continues until the offender's sentence expires, unless release is rescinded under subdivision 8. The commissioner may not grant conditional release unless a release plan is in place for the offender that addresses, at a minimum, plans for aftercare, community-based chemical dependency treatment, gaining employment, and securing housing.

Sec. 11. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision to read:

Subd. 7a. **Panel of judges.** The Chief Justice of the Supreme Court shall appoint three retired judges to advise the commissioner of corrections on eligibility decisions made under this section. The Chief Justice shall determine the pay and expenses to be received by the panel. These costs must be paid by the commissioner of corrections.

Sec. 12. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision to read:

28.1           Subd. 10a. Savings used for drug treatment. The commissioner shall use any  
28.2           savings realized from the early release of offenders under this section for chemical  
28.3           dependency treatment programs in state correctional facilities.

28.4           Sec. 13. [244.085] FELONY DWI REPORT.

28.5           By January 15 of each year, the commissioner shall report to the chairs and  
28.6           ranking minority members of the house of representatives and senate committees  
28.7           having jurisdiction over criminal justice policy and funding on the implementation and  
28.8           effects of the felony level driving while impaired offense. The report must include the  
28.9           following information on felony level driving while impaired offenses involving offenders  
28.10          committed to the commissioner's custody:

- 28.11           (1) the number of persons committed;  
28.12           (2) the county of conviction;  
28.13           (3) the offenders' ages and gender;  
28.14           (4) the offenders' prior impaired driving histories and prior criminal histories;  
28.15           (5) the number of offenders:  
28.16           (i) given an executed prison sentence upon conviction and the length of the sentence;  
28.17           (ii) given an executed prison sentence upon revocation of probation, the reasons  
28.18          for revocation, and the length of sentence;  
28.19           (iii) who successfully complete treatment in prison;  
28.20           (iv) placed on intensive supervision following release from incarceration;  
28.21           (v) placed in the challenge incarceration program, the number of offenders released  
28.22          from prison under this program, and the number of these offenders who violate their  
28.23          release conditions and the consequences imposed; and  
28.24           (vi) who violate supervised release and the consequences imposed;  
28.25           (6) per diem costs, including treatment costs, for offenders incarcerated under the  
28.26          felony sentence provisions; and  
28.27           (7) any other information the commissioner deems relevant to estimating future  
28.28          costs.

28.29          Sec. 14. Minnesota Statutes 2008, section 244.17, is amended to read:

28.30          **244.17 CHALLENGE INCARCERATION PROGRAM.**

28.31          Subdivision 1. **Generally.** The commissioner ~~may~~ shall select offenders who  
28.32          meet the eligibility requirements of subdivisions 2 and 3 to participate in a challenge  
28.33          incarceration program described in sections 244.171 and 244.172 for all or part of the

29.1 offender's sentence if the offender agrees to participate in the program and signs a written  
29.2 contract with the commissioner agreeing to comply with the program's requirements.

29.3 Subd. 2. **Eligibility.** (a) Unless a person is ineligible under subdivision 3, the  
29.4 commissioner must ~~limit~~ offer a bed in the challenge incarceration program to the  
29.5 following persons:

29.6 (1) offenders who are committed to the commissioner's custody following revocation  
29.7 of a stayed sentence; and

29.8 (2) offenders who are committed to the commissioner's custody, who have 48  
29.9 months or less in or remaining in their term of imprisonment, and who did not receive a  
29.10 dispositional departure under the Sentencing Guidelines.

29.11 (b) If there is insufficient space for an eligible person, the commissioner shall place  
29.12 the person's name on a waiting list and offer the person the chance to participate when  
29.13 space becomes available.

29.14 Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be  
29.15 placed in the challenge incarceration program:

29.16 (1) offenders who are committed to the commissioner's custody following a  
29.17 conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping,  
29.18 robbery, arson, or any other offense involving death or intentional personal injury; ~~and~~

29.19 (2) offenders who were convicted within the preceding ten years of an offense  
29.20 described in clause (1) and were committed to the custody of the commissioner;<sub>2</sub>

29.21 (3) offenders who have been convicted or adjudicated delinquent within the past five  
29.22 years for a violation of section 609.485;

29.23 (4) offenders who are committed to the commissioner's custody for an offense that  
29.24 requires registration under section 243.166;

29.25 (5) offenders who are the subject of a current arrest warrant or detainer;

29.26 (6) offenders who have fewer than 180 days remaining until their supervised release  
29.27 date;

29.28 (7) offenders who have had disciplinary confinement time added to their sentence or  
29.29 who have been placed in segregation, unless 90 days have elapsed from the imposition of  
29.30 the additional disciplinary confinement time or the last day of segregation;

29.31 (8) offenders who have received a suspended formal disciplinary sanction, unless the  
29.32 suspension has expired;

29.33 (9) offenders whose governing sentence is for an offense from another state or the  
29.34 United States; and

29.35 (10) offenders who have a medical condition included on the list of ineligible  
29.36 conditions described in paragraph (b).

30.1           (b) The commissioner of corrections shall develop a list of medical conditions that  
30.2           will disqualify an offender from participating in the challenge incarceration program.  
30.3           The commissioner shall submit the list and any changes to it to the chairs and ranking  
30.4           minority members of the senate and house committees having jurisdiction over criminal  
30.5           justice policy and funding.

30.6           Sec. 15. Minnesota Statutes 2008, section 244.172, subdivision 1, is amended to read:

30.7           Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The  
30.8           offender must be confined ~~in a state correctional facility designated by the commissioner~~  
30.9           at the Minnesota Correctional Facility - Willow River/Moose Lake or the Minnesota  
30.10           Correctional Facility - Togo and must successfully participate in all intensive treatment,  
30.11           education and work programs required by the commissioner. The offender must also  
30.12           submit on demand to random drug and alcohol testing at time intervals set by the  
30.13           commissioner. Throughout phase I, the commissioner must severely restrict the offender's  
30.14           telephone and visitor privileges.

30.15           Sec. 16. Minnesota Statutes 2008, section 299N.02, subdivision 3, is amended to read:

30.16           Subd. 3. **Powers and duties.** (a) The board shall:

30.17           (1) review fire service training needs and make recommendations on training to  
30.18           Minnesota fire service organizations;

30.19           (2) establish standards for educational programs for the fire service and develop  
30.20           procedures for continuing oversight of the programs; ~~and~~

30.21           (3) establish qualifications for fire service training instructors in programs  
30.22           established under clause (2); and

30.23           (4) license full-time firefighters and volunteer firefighters under this chapter.

30.24           (b) The board may:

30.25           (1) hire or contract for technical or professional services according to section 15.061;

30.26           (2) pay expenses necessary to carry out its duties;

30.27           (3) apply for, receive, and accept grants, gifts, devises, and endowments that any  
30.28           entity may make to the board for the purposes of this chapter and may use any money  
30.29           given to it consistent with the terms and conditions under which the money was received  
30.30           and for the purposes stated;

30.31           (4) make recommendations to the legislature to improve the quality of firefighter  
30.32           training;

30.33           (5) collect and provide data, subject to section 13.03;

30.34           (6) conduct studies and surveys and make reports; and

31.1 (7) conduct other activities necessary to carry out its duties.

31.2 Sec. 17. **[299N.03] DEFINITIONS.**

31.3 Subdivision 1. **Scope.** The terms used in sections 299N.04 and 299N.05 have the  
31.4 meanings given them in this section.

31.5 Subd. 2. **Board.** "Board" means the Board of Firefighter Training and Education  
31.6 established under section 299N.02.

31.7 Subd. 3. **Chief firefighting officer.** "Chief firefighting officer" means the highest  
31.8 ranking employee or appointed official of a fire department.

31.9 Subd. 4. **Fire department.** "Fire department" has the meaning given it in section  
31.10 299F.092, subdivision 6. For purposes of sections 299N.04 and 299N.05, fire department  
31.11 also includes a division of a state agency, regularly charged with the responsibility of  
31.12 providing fire protection to the state or a local government, to include a private, nonprofit  
31.13 fire department directly serving a local government, but does not include an industrial  
31.14 fire brigade.

31.15 Subd. 5. **Licensed firefighter.** "Licensed firefighter" means a full-time firefighter,  
31.16 to include a fire department employee, member, supervisor, or appointed official, who is  
31.17 licensed by the board and who is charged with the prevention or suppression of fires within  
31.18 the boundaries of the state. Licensed firefighter may also include a volunteer firefighter.

31.19 Subd. 6. **Full-time firefighter.** A "full-time firefighter" means a person who is  
31.20 employed and charged with the prevention or suppression of fires within the boundaries of  
31.21 the state on a full-time, salaried basis. Full-time firefighter does not include a volunteer,  
31.22 part-time or paid, on-call firefighter.

31.23 Subd. 7. **Volunteer firefighter.** A "volunteer firefighter" means a person who is  
31.24 charged with the prevention or suppression of fires within the boundaries of the state on  
31.25 a volunteer, part-time, or paid, on-call basis. Volunteer firefighter does not include a  
31.26 full-time firefighter.

31.27 Sec. 18. **[299N.04] FIREFIGHTER CERTIFICATION.**

31.28 Subdivision 1. **Certification examination; requirements.** (a) The board must  
31.29 appoint an organization that is accredited by the International Fire Service Accreditation  
31.30 Congress to prepare and administer firefighter certification examinations. Firefighter  
31.31 certification examinations shall be designed to ensure competency in at least the following  
31.32 areas:

31.33 (1) fire prevention;

31.34 (2) fire suppression; and

32.1           (3) hazardous materials operations.

32.2           (b) To receive a certificate, an individual must demonstrate competency in fire  
32.3 prevention and fire suppression.

32.4           (c) Nothing in this section shall be construed to prohibit any requirement imposed  
32.5 by a local fire department for more comprehensive training.

32.6           Subd. 2. **Eligibility for certification examination.** Except as provided in  
32.7 subdivision 3, any person may take the firefighter certification examination who has  
32.8 successfully completed the following:

32.9           (1)(i) a firefighter course from a postsecondary educational institution, an accredited  
32.10 institution of higher learning, or another entity that teaches a course that has been approved  
32.11 by the board; or (ii) an apprenticeship or cadet program maintained by a fire department  
32.12 employing the person that has been approved by the board; and

32.13           (2) a skills-oriented basic training course.

32.14           Subd. 3. **Certain baccalaureate or associate degree holders eligible to take**  
32.15 **certification examination.** A person with a baccalaureate degree, or with an associate  
32.16 degree in applied fire science technology, from an accredited college or university who  
32.17 has successfully completed the skills-oriented basic training course under subdivision 2,  
32.18 clause (2), is eligible to take the firefighter certification examination notwithstanding the  
32.19 requirements of subdivision 2, clause (1).

32.20           Sec. 19. **[299N.05] LICENSE REQUIRED.**

32.21           Subdivision 1. **Licensure requirement.** A full-time firefighter employed on or after  
32.22 July 1, 2011, by a fire department is not eligible for permanent employment without  
32.23 being licensed as a firefighter by the board.

32.24           Subd. 2. **Optional licensing.** A volunteer firefighter may receive or apply for  
32.25 licensure under this section and section 299N.04 under the same terms as full-time  
32.26 firefighters.

32.27           Subd. 3. **Prior appointment.** A full-time firefighter or a volunteer firefighter who  
32.28 has received a permanent appointment with a fire department prior to July 1, 2011, shall  
32.29 be licensed by the board at the request of the firefighter upon providing the board with a  
32.30 statement signed by the chief firefighting officer of the fire department that employs the  
32.31 full-time or volunteer firefighter.

32.32           Subd. 4. **Newly employed firefighters.** Any full-time firefighter employed by a fire  
32.33 department on or after July 1, 2011, must obtain a license from the board. To obtain a  
32.34 license, an individual not covered by subdivision 3 must provide the board with a statement



signed by the chief firefighting officer of the fire department that employs the full-time firefighter that the individual has met the certification requirements of section 299N.04.

Subd. 5. **Issuance of license.** The board shall license any individual who meets the requirements of subdivision 3 or 4. A license is valid for three years from the date of issuance, and the fee for the license is \$75.

Subd. 6. **License renewal.** A license shall be renewed so long as the firefighter and the chief firefighting officer provide evidence to the board that the licensed firefighter has had at least 72 hours of firefighting training in the previous three-year period. The fee for renewing a firefighter license is \$75, and the license is valid for an additional three years.

Subd. 7. **Duties of chief firefighting officer.** It shall be the duty of every chief firefighting officer to ensure that all full-time firefighters have a license from the board beginning July 1, 2011. Each full-time firefighter, volunteer firefighter, and chief firefighting officer may apply for licensure after January 1, 2011.

Subd. 8. **Revocation; suspension; denial.** The board may revoke, suspend, or deny a license issued or applied for under this section to a firefighter or applicant if the firefighter or applicant has been convicted of a felony recognized by the board as a crime that would disqualify the licensee from participating in the profession of firefighting.

Subd. 9. **Petty misdemeanor; discharge.** A person who is employed as a full-time firefighter and is not licensed under this section is guilty of a petty misdemeanor and must be immediately discharged from employment.

Subd. 10. **Fees.** Fees collected under this section must be deposited in the state treasury and credited to a special account and are appropriated to the board to pay costs incurred under sections 299N.04 to 299N.05.

Sec. 20. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

**Subd. 6. Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the

sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the ~~commissioner of finance~~ court administrator or other entity collecting the surcharge imposed by the court.

**EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to surcharges collected by the chief executive officer of a correctional facility on or after that date.

**Sec. 21. REVIEW OF REPORTS.**

The Sentencing Guidelines Commission and the Departments of Corrections and Public Safety shall each review its reports for consolidation and may consider consolidating any reports with other reports to achieve administrative convenience or fiscal savings or to reduce the burden of reporting requirements.

**Sec. 22. REPORT ON MINNCOR MARKETING PLAN.**

By September 15, 2009, the commissioner of corrections shall report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the marketing plan required in Minnesota Statutes, section 241.27, subdivision 1a.

**Sec. 23. REPEALER.**

**S.F. No. 802, 1st Engrossment - 86th Legislative Session (2009-2010) [s0802-1]**

- 35.1 Minnesota Statutes 2008, sections 244.055, subdivisions 6 and 11; 260B.199,  
35.2 subdivision 2; 260B.201, subdivision 3; and 325E.22, are repealed.

APPENDIX  
Article locations in s0802-1

ARTICLE 1	APPROPRIATIONS .....	Page.Ln 2.1
	REPEAL OF CERTAIN MANDATORY SENTENCING	
ARTICLE 2	PROVISIONS; .....	Page.Ln 14.1
	CHANGES TO CHALLENGE INCARCERATION AND	
	CONDITIONAL RELEASE FOR NONVIOLENT OFFENDER	
ARTICLE 3	PROGRAMS; MINNCOR; .....	Page.Ln 24.4